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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,753	12/02/2003	Gary Dean Ragner		3251

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EXAMINER	
BOCHNA, DAVID	
ART UNIT	**PAPER NUMBER**
3679	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/725,753	RAGNER, GARY DEAN
	Examiner	Art Unit
	David E. Bochna	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-12 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ragner et al. '870 in view of Berfield et al.

In regard to claim 1, Ragner et al. discloses a pivotal nozzle body, comprising:

a) a upper housing 54 comprising a first tool end;

b) a lower housing 52 comprising a second tool end;

c) wherein said upper housing and said lower housing define a continuous suction passageway therethrough between said first tool end and said second tool end;

e) wherein said first tool end comprises a first hose wand port for removable attachment of a vacuum hose wand and a first mounting means for connecting a first vacuum cleaner tool to said first tool end, wherein the vacuum hose wand and the first vacuum cleaner tool may be connected to said first tool end at the same time;

wherein said second tool end comprises a second hose wand port for removable attachment of the vacuum hose wand and a second mounting means for connecting a second vacuum cleaner tool to said second tool end, wherein the vacuum hose wand and the second vacuum cleaner tool may be connected to said second tool end at the same time. Ragner et al. discloses making the first tool end pivotable in order to make the tool more adaptable to various

contours, but Ragner et al. does not disclose that the upper housing pivots relative to the lower housing. Berfield et al. teaches providing a pivotal nozzle body where the upper housing 16' pivots relative to the lower housing 10 in order to allow the nozzle to adjust to changing contours. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the nozzle of Ragner et al. to include a pivot between the upper and lower housings in order to increase the adjustability of the nozzle, so that it could adjust to accommodate a larger variety of contours.

In regard to claim 2, further including one or more slip ring bearings (30 of Berfield et al.) between said first and second pivot end.

In regard to claim 3, wherein said first tool end is adapted for attachment of a pair of pivotal cleaning arms 6.

In regard to claim 4, wherein said pair of pivotal cleaning arms movable to an opposed in-line position defined longitudinally along a y-axis in a right-handed Cartesian coordinate system and flush against an x-y plane, wherein said pivot means defines a pivot axis that is oriented at an angle less than forty-five degrees from the x-axis.

In regard to claim 5, wherein said a pivot axis is less than thirty degrees from the x-axis.

In regard to claim 6, wherein said a pivot axis is less than twenty degrees from the x-axis.

In regard to claim 7, wherein said first and/or second vacuum cleaner tools are removably mounted to said first and/or second tool ends, respectfully (see fig. 4 and fig. 5B).

In regard to claim 8, wherein said first and/or second vacuum cleaner tools are permanently attached to said first and/or second tool ends, respectfully (see fig. 11).

In regard to claim 9, wherein said first tool end is adapted for mounting a dust brush (see fig. 5B).

In regard to claim 10, wherein said upper housing and said lower housings are designed with appropriate angles between their respective tool end and pivot end, wherein the angle between the longitudinal axis of said first and second hose wand ports can be pivoted to both acute and obtuse angles (see fig. 5b where port 54 or port 50 can be used to make an acute or obtuse angle relative to axis 70).

In regard to claim 11, wherein said first and/or second vacuum cleaner tools are removably mounted to said first and/or second tool ends, respectfully (see fig. 4 and fig. 5B).

In regard to claim 12, wherein said first and/or second vacuum cleaner tools are permanently attached to said first and/or second tool ends, respectfully (see fig. 11).

3. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ragner et al. '870 in view of Dahl.

In regard to claim 1, Ragner et al. discloses a pivotal nozzle body, comprising:

a) a upper housing 54 comprising a first tool end;

b) a lower housing 52 comprising a second tool end;

c) wherein said upper housing and said lower housing define a continuous suction passageway therethrough between said first tool end and said second tool end;

e) wherein said first tool end comprises a first hose wand port for removable attachment of a vacuum hose wand and a first mounting means for connecting a first vacuum cleaner tool to said first tool end, wherein the vacuum hose wand and the first vacuum cleaner tool may be connected to said first tool end at the same time;

wherein said second tool end comprises a second hose wand port for removable attachment of the vacuum hose wand and a second mounting means for connecting a second vacuum cleaner tool to said second tool end, wherein the vacuum hose wand and the second vacuum cleaner tool may be connected to said second tool end at the same time. Ragner et al. discloses making the first tool end pivotable in order to make the tool more adaptable to various contours, but Ragner et al. does not disclose that the upper housing pivots relative to the lower housing. Dahl teaches providing a pivotal nozzle body where the upper housing 11 pivots relative to the lower housing 10 in order to allow the nozzle to adjust to changing contours. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the nozzle of Ragner et al. to include a pivot between the upper and lower housings in order to increase the adjustability of the nozzle, so that it could adjust to accommodate a larger variety of contours.

In regard to claim 10, wherein said upper housing and said lower housings are designed with appropriate angles between their respective tool end and pivot end, wherein the angle between the longitudinal axis of said first and second hose wand ports can be pivoted to both acute and obtuse angles.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fahen, Ahlf et al., House, Kemnitz, Lofgren, and Hallock all disclose similar couplings common in the art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

David Bochna
Primary Examiner
Art Unit 3679
December 16, 2004